

REMARKS

At the outset, Applicant thanks the Examiner for reviewing and considering the pending application. The Office Action dated January 6, 2006, has been received and reviewed.

Claims 42, 74-78, and 80 are hereby amended. Claims 1-41, 79, and 81-82 were previously canceled. Accordingly, claims 42-78, and 80 are currently pending.

Reconsideration is respectfully requested.

Applicant notes that the Office Action Summary dated October 2, 2001 indicates that a PTO-1449 Form was enclosed with the mailing of the Office Action of October 2, 2001. To complete the Applicant's record, the Examiner is respectfully requested to return a signed copy of the PTO-1449 form that was indicated as being enclosed with the mailing of the Office Action of October 2, 2001.

The Office Action indicates that the drawings submitted on August 1, 2005 are "technically compliant." Accordingly, as there is no basis for the objections, Applicant respectfully requests withdrawal of the objections to the drawings. Should the drawing objections be maintained, the Examiner is respectfully requested to provide specific reasons why new drawings are required together with a citation of the laws, rules, and/or procedures that are being relied upon.

Further, the Office Action includes objections to claims 42 and 75. In particular, the phrases, "cost of resource generation" and "cost of resource regeneration" are asserted to lack functional support in the body of the claims. In addition, the Office Action indicates that it is unclear whether these terms are supported by the original specification.

Applicants respectfully traverse the objection to claim 42. More specifically, support for "cost of resource generation" can be found in at least the following recitation: "at least one central control computer having software adapted to: receive utility consumption rate data from said multi-utility master meter and for storing, presenting, analyzing and reporting, from said

data, information to monitor consumption rates and to compare such information to theoretical or historical data to identify unexpected changes in consumption and to identify peak demands, surges, and sags,” [see Claim 42]. Moreover, dependent claims 49-50 provide additional support and further clarify the context of “cost of resource generation,” as recited in the preamble of claim 42. Also, support for “cost of resource generation” can be found in at least pages 39-40 and 66-67 of the original specification. Nevertheless, Applicants have deleted this recitation from the claims to enhance the clarity thereof and respectfully request withdrawal of the objection to claim 42.

Applicants also respectfully traverse the objection to claim 74. Applicants submit that support for “cost of resource regeneration” can be found in at least “a plurality of subscreens for presenting said selectable utility-facility operations related data from said utility type icons and selectable utility related data from said at least two interface gateways,” as recited in claim 74. Nevertheless, Applicants have amended claim 74 to delete the recitation, thereby enhancing the clarity thereof. Accordingly, Applicants respectfully request withdrawal of the objection to claim 74.

Claim 42 is rejected under 35 U.S.C. § 112, second paragraph as being indefinite. In particular, the phrase “cost of resource generation” is asserted to be confusing and to lack functional support in the body of the claim.

Applicants respectfully traverse 35 U.S.C. § 112, second paragraph rejection to claim 42. As aforementioned, support for “cost of resource generation” can be found in at least the following recitation: “at least one central control computer having software adapted to: receive utility consumption rate data from said multi-utility master meter and for storing, presenting, analyzing and reporting, from said data, information to monitor consumption rates and to compare such information to theoretical or historical data to identify unexpected changes in consumption and to identify peak demands, surges, and sags,” [see Claim 42]. Moreover,

dependent claims 49-50 provide additional support and further clarify the context of “cost of resource generation,” as recited in the preamble of claim 42. Also, support for “cost of resource generation” can be found in at least pages 39-40 and 66-67 of the original specification.

Nevertheless, Applicants have deleted the recitation from the claim to enhance the clarity thereof. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §112, second paragraph rejection.

Claim 74 is rejected under 35 U.S.C. §112, second paragraph as being indefinite. In particular, the phrase “said interface gateway” is asserted to be confusing because “a)” has at least two interface gateways.

Applicants have amended “said interface gateway” to “said at least two interface gateways” in claim 74 to enhance the clarity thereof. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §112, second paragraph rejection.

Further, claims 75-78 and 80 are rejected under 35 U.S.C. §112, second paragraph as being indefinite. In particular, the recitation, “the system of claim 74,” is asserted to lack antecedent basis.

Applicants have amended claims 75-78 from “the system of claim 74” to “the user interface of claim 74” to enhance the clarity thereof. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §112, second paragraph rejection of claims 75-78 and 80.

Claim 75 is also rejected under 35 U.S.C. §112, second paragraph as being indefinite because “cost of resource regeneration” is asserted to be confusing.

Applicants have amended claim 74 to delete the recitation, “cost of resource regeneration” to enhance the clarity of the claim, as discussed above. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §112, second paragraph rejection.

Claim 74 is rejected under 35 U.S.C. §101. More specifically, the claimed invention is asserted to lack patentable utility because it never positively recites the performance of any

function related to a multi-utility energy control system for monitoring consumption, and cost of a resource regeneration. In addition, the claimed invention is asserted to be inoperative because it asserted that it has no structure to receive the data necessary to perform the functions recited.

Applicants respectfully traverse the rejection of claim 74 under 35 U.S.C. §101. More specifically, with respect to patentable utility, Applicants submit that the user interface is “for use in a multi-utility energy control system for monitoring consumption,” as recited. In view of its utility for at least a multi-utility energy control system, the user interface comprises a dashboard screen having, inter alia, at least two interface gateways enabled for selection of utility-facility operations related data, as well as a plurality of subscreens for presenting various data (emphasis added). Moreover, Applicants submit that the original specification provides further explanation with regards to the patentable utility of the claimed invention. See, for example, pages 35-41 of the original specification. Furthermore, a “user interface,” as recited in the claims, by its very nature and definition, accomplishes a practical application and provides a useful, concrete, and tangible result. Accordingly, as the claimed invention is clearly operable, Applicants respectfully request withdrawal of the 35 U.S.C. §101 rejection.

Furthermore, Applicants respectfully traverse the assertions that the claimed invention is inoperative. More specifically, the user interface comprises, inter alia, software executable by a computer, dashboard screen having a plurality of utility type icons enabled for selection of a utility and at least two interface gateways enabled for selection of utility facility operations related data, and a plurality of subscreens (emphasis added). That is, the user interface, as recited in claim 74, is executable by a computer. Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. §101 rejection.

Claims 74-78 and 80 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,666,493 to Wojcik et al. (hereinafter “Wojcik”). Applicants respectfully traverse this rejection.

Wojcik discloses a system for managing customer orders. More specifically, in Figure 3, which is relied upon in the rejection of the claims, Wojcik discloses an order fulfillment customer representative screen. However, there is no indication that the order fulfillment customer representative screen, as disclosed by Wojcik, is a “dashboard screen” (emphasis added). See column 5, lines 9-21 of Wojcik.

Additionally, Wojcik does not disclose a “plurality of utility type icons enabled for selection of a utility,” (emphasis added) as recited in claim 74. Also, see page 44 of Applicants’ specification. Rather, in Figure 3, Wojcik discloses icons related to customer orders such as “customer master”, “remittance address”, “customer class”, “create standard order”, “customer”, “hand” and “exit” icons.

Furthermore, Wojcik fails to disclose, inter alia, a “plurality of subscreens that present said selectable utility-facility operations related data from said utility type icons and selectable utility related data from said at least two interface gateways,” as recited in claim 74. As aforementioned, Wojcik fails to disclose utility type icons. Further, Wojcik also fails to disclose selectable utility-facility operations related data and selectable utility related data, as well as subscreens that present such data.

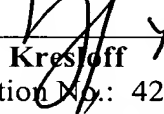
Due to at least the above-mentioned deficiencies of Wojcik, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection. Applicant submits that claim 74 is patentable over Wojcik. Likewise, claims 75-78 and 80, which depend from claim 74, are also patentable for at least the same reasons as discussed above.

The application is in condition for allowance. Notice of same is earnestly solicited. Should the Examiner find the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Dated: April 24, 2006

Respectfully submitted,

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